

Notice of Allowability

Application No.

10/604,971

Examiner

Stefan Stoynov

Applicant(s)

STARR ET AL.

Art Unit

2116

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to communication filed 07/13/2006.
2. ☒ The allowed claim(s) is/are 1-3 and 5-32 (renumbered as claims 1-31).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Allowable Subject Matter

Claims 1-3 and 5-32 are allowed.

The following is an examiner's statement of reasons for allowance:

Regarding claim 1, applicant's argument with respect to the Nicol and Lee references is persuasive – i.e. the prior art of record, individually or in combination, fails to disclose or suggest the robotic data storage library of claim 1, including: "soft power capability" (as defined by applicant) and "a power supply for providing power to a component of the library; a power switch switchable between an ON state and an OFF state; and a power controller for monitoring said power switch for a transition between said ON state and said OFF state and after detecting said transition of said power switch between said ON state and said OFF state, controlling power applied to said component".

Regarding claim 11, applicant's argument with respect to the Nicol and Lee references is persuasive – i.e. the prior art of record, individually or in combination, fails to disclose or suggest the robotic data storage library of claim 11, including: "soft power capability" (as defined by applicant) and "a power supply for providing power to a component of the library; a power switch switchable between an ON state and an OFF state; a power controller for monitoring said power switch for a transition from said OFF state to said ON state and, after detecting said transition of said power switch from said OFF state to said ON state, delaying power applied to said component for a period of time after detection of said transition of said power switch from said OFF state to said ON state".

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Regarding claim 18, applicant's argument with respect to the Nicol and Lee references is persuasive – i.e. the prior art of record, individually or in combination, fails to disclose or suggest the robotic data storage library of claim 18, including: “soft power capability” (as defined by applicant) and “a power supply for providing power to a component of the library; a power switch switchable between an ON state and an OFF state; a power controller for monitoring said power switch for a transition from said ON state to said OFF state and after detecting said transition of said power switch from said ON state to said OFF state, issuing a power termination message to said component concerning termination of power to said component”.

Regarding claim 31, applicant's argument with respect to the Nicol and Lee references is persuasive – i.e. the prior art of record, individually or in combination, fails to disclose or suggest the subject matter of claim 31, including: “soft power capability” (as defined by applicant) and “a power supply for providing power to a component of the library, and a power switch switchable between an ON state and an OFF state; monitoring said power switch for a transition between said ON state and said OFF state; and controlling power applied to said component after detecting said transition between said ON state and said OFF state”.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

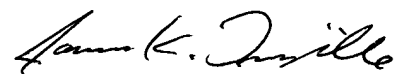
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefan Stoynov whose telephone number is (571) 272-4236. The examiner can normally be reached on 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne Browne can be reached on (571) 272-3670. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SS



JAMES K. TRIVILLE
PRIMARY EXAMINER
TC 2100